

**REMARKS**

Claims 1-10 and 12-14, and 16-20 are all the claims presently pending in this application. Claims 1, 2, 4, 6, 7, 10, and 12 have been amended to more particularly define the claimed invention. Claim 15 has been canceled.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-10, 12-14 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takiguchi, U.S. Pat. No. 5,130,935, further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860. Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takiguchi, U.S. Pat. No. 5,130,935, further in view of "Adobe Photoshop 7.0: Classroom in a Book," Yamakawa, U.S. Pat. No. 6,184,860, and Stuppi et al., U.S. Pat. No. 7,002,546.

These rejections are respectfully traversed in view of the following discussion.

**I. THE PRIOR ART REJECTIONS**

**A. The 35 U.S.C. § 103(a) Rejection over Takiguchi, U.S. Pat. No. 5,130,935 further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860**

The Examiner alleges that Takiguchi, U.S. Pat. No. 5,130,935, (Takiguchi), further in view of "Adobe Photoshop 7.0: Classroom in a Book," further in view of Yamakawa, U.S. Pat. No. 6,184,860, ("Photoshop" and Yamakawa), makes obvious the invention of claims 1-10 and 12-16.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Takiguchi with the teaching from “Photoshop” and Yamakawa to form the invention of claims 1-10 and 12-16. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Takiguchi, “Photoshop”, nor Yamakawa, nor any alleged combination thereof, teaches or suggests:

*“determining if a pixel pointed to by said cursor is in one of said plurality of specific facial feature areas corresponding to said selected correction item to be performed and said pixel has a value outside of a predetermined range corresponding to said selected correction item; and*  
*correcting all pixels in said one of said plural specific facial feature areas according to said selected correction item based on said determining...,”*

of Applicant’s independent claims 1 and 10, and similarly independent claim 12.

The Examiner states that Takiguchi is equivalent to Applicant’s claimed invention since “skin color itself has pixels that can cover a plurality of areas.”

Applicant respectfully traverse the Examiner’s rationale of rejection over Takiguchi since Applicant’s claimed invention is directed toward, “extracting pixels representing a plurality of specific facial feature areas.” The Examiner’s “plurality of areas” of skin color is not equivalent to Applicant’s plurality of specific facial feature areas.

Additionally, the Examiner states on page 3 of the Office Action that Yamakawa discloses “if a pixel pointed to said cursor is in one of said plurality of specific areas corresponding to said correction item to be performed, subjecting said pointed to pixel to a correction process in accordance with said corresponding correction item.” However, Yamakawa merely discloses in the passage cited by the Examiner, (column 23, lines 9-17), that when a certain partial picture is selected,

various methods of correction are suggested in a menu format with “the expected result of correction” so that an operator may select on of the suggested items to correct the picture.

Nowhere does Yamakawa teach or suggest, nor does the Examiner identify where he alleges Yamakawa to teach or suggest Applicant’s claimed, “determining if a pixel pointed to by said cursor is in one of said plurality of specific facial feature areas corresponding to said selected correction item to be performed....” In fact, Yamakawa teaches away from Applicant’s claimed invention by eliminating the need for any cursor or pointer whatsoever since all that is selected in Yamakawa is a portion of the image, and a correction process that is already displayed by processing that portion of the image.

Furthermore, neither Takiguchi, “Photoshop” nor Yamakawa disclose the process of determining if a pixel has a value outside of a predetermined range corresponding to a selected correction item. This feature of Applicant’s claimed invention is important to enable the correction of plural correction items with single and simple operation, see Specification at page 4, lines 6-9, and is disclosed, in an exemplary passage at page 7, lines 10-21.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Takiguchi and “Photoshop” and Yamakawa (either alone or in combination) fail to teach or suggest each element and feature of Applicant’s claimed invention.

**B. The 35 U.S.C. § 103(a) Rejection over Takiguchi, U.S. Pat. No. 5,130,935 further in view of “Adobe Photoshop 7.0: Classroom in a Book,” in view of Yamakawa, U.S. Pat. No. 6,184,860, further in view of Stuppi et al., U.S. Pat. No. 7,002,546**

The Examiner alleges that Takiguchi, U.S. Pat. No. 5,130,935, (Takiguchi), further in view of “Adobe Photoshop 7.0: Classroom in a Book,” in view of Yamakawa, U.S. Pat. No. 6,184,860,

further in view of Stuppi et al., U.S. Pat. No. 7,002,546, ("Photoshop", Yamakawa and Stuppi), makes obvious the invention of claims 17-20.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Takiguchi with the teaching from "Photoshop", Yamakawa and Stuppi to form the invention of claims 17-20. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Stuppi fails to make up for the deficiencies of Takiguchi, "Photoshop" and Yamakawa as discussed above with respect to claims 1-10 and 12-16.

The Examiner asserts Stuppi discloses a processor configured to compare the calculated chromaticity and luminance values with desired chromaticity and luminance values, respectively, and a controller operationally connected to the processor configured to adjust one or more of the first radiant power output and the second radiant power output in response to a difference between the calculated and desired chromaticity and luminance values.

However, even assuming *arguendo* that the Examiner's position has some merit, Stuppi fails to teach or suggest, "*determining if a pixel pointed to by said cursor is in one of said plurality of specific facial feature areas corresponding to said selected correction item to be performed and said pixel has a value outside of a predetermined range corresponding to said selected correction item.*" Therefore, Stuppi fails to overcome the deficiencies of Takiguchi, "Photoshop" and Yamakawa.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Takiguchi and "Photoshop", Yamakawa and Stuppi (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

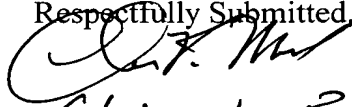
## II. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-10, 12-14, and 16-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: July 15, 2008

Respectfully Submitted,  
  
FOR Christopher R. Monday #60,929  
Donald J. Lecher, Esq.  
Reg. No. 41,933  
Sean M. McGinn, Esq.  
Reg. No. 34,386

**McGinn Intellectual Property Law Group, PLLC**  
8321 Old Courthouse Rd., Suite 200  
Vienna, Virginia 22182  
(703) 761-4100  
**Customer No. 21254**